

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TAM TRAN,

Plaintiff,

v.

KELLI E. OSLER,

Defendant.

CASE NO. 3:23-cv-05280-BHS

ORDER

THIS MATTER is before the Court on Magistrate Judge Theresa L. Fricke's Report and Recommendation (R&R), Dkt. 4, recommending that the Court deny pro se Plaintiff Tam Tran's application to proceed *in forma pauperis* and dismiss the case with prejudice and without leave to amend as frivolous and without merit.

This case is one of more than 20 substantially similar cases Tran has filed in this District this year. It, like the others, contains no factual allegations and no legal theory of liability. Instead, Tran's statement of claim in this case asserts in its entirety:

Judge Kellie E Osler sentence me without law and lawyer. Hate Crime. Civil Rights Act of 1964 (Pub. L. 88-352. 78 Stat. 241 Enacted July 2, 1964). Race, Color, National Origin, racial, outlaw violated ti[tl]e VI and 1st Amendment the criminal, need investigate and prosecutor.

1 Dkt. 1-2 at 5. Tran seeks \$10 billion and for the court to resign. *Id.*

2 The R&R thoroughly catalogues the deficiencies in this case, which are also
3 present in Tran's other cases. Dkt. 4. It recommends dismissal with prejudice and without
4 leave to amend, and the denial of *in forma pauperis* status in the event of any appeal.

5 Tran has not objected to the R&R and it is ADOPTED.

6 Tran's application to proceed *in forma pauperis* is DENIED, and he shall not have
7 that status in the event of an appeal. The matter is DISMISSED with prejudice and
8 without leave to amend.

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10 Tran's practice of filing repetitive, facially frivolous complaints, seeking to
11 proceed *in forma pauperis*, and refusing to amend his complaint, is abusive and
12 vexatious. The Court has previously warned Tran that if he continues to do so, he will be
13 subject to a bar order, precluding him from filing additional cases in this District without
14 prior court approval. 28 U.S.C. § 1915(g); *see also, e.g., McGlown v. United States Dep't*
15 *of Com.*, No. 23-cv-0049 TL, 2023 WL 1778934, at *3 (W.D. Wash. Feb. 6, 2023). It has
16 now entered a notice of intent to enter such an order, and ordered Tran to show cause
17 why it should not be entered. *See* Dkt. 5.

18 The Clerk shall enter a JUDGMENT and close the case.

19 IT IS SO ORDERED.

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1 Dated this 28th day of April, 2023.

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4 BENJAMIN H. SETTLE
5 United States District Judge
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